



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Discher et al.

Attorney Docket No.
61169.00040 (O-2863 CIP)

Application No.: 10/812,292

Group Art Unit: 1615

Filed: March 29, 2004

Examiner: Eric E. Silverman

Title: CONTROLLED RELEASE POLYMERSOMES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Communication dated August 27, 2007, Applicants hereby elect Group 1 claims 1-16 drawn to a method of making a PEG copolymer vesicle from which an encapsulant is released. However, since the method of releasing the encapsulant (claims 18-20) and the vesicle itself (claim 17) are part and parcel of the formation of the polymersome that is defined in the present invention, Applicants traverse the Restriction and ask that the claims be rejoined.

Nevertheless, if the Restriction is maintained, while Applicants will withdraw the non-elected claims, such withdrawal is made subject to the right to file continuations or divisional applications for the non-elected claims. Further, based upon an election of the claims of Group 1, Applicants elect the following species:

1) elect polyethylene glycol (PEG) as the PEO hydrophilic monomer in the block, and polyactic acid (PLA) as the degradable polyester, forming a PEO-PLA hydrolysable block. Added to that block is a non-hydrophilic copolymer, and we propose electing polybutadiene (PED) forming the inert deblock PEO-PED.

2) elect blending of the compositions elected in species 1, having a PEG volume fraction (f_{EO}) > 0.4 .

3) since the "blend" is the factor controlling release in this invention, the response to species 2 should also answer the question regarding the Examiner's species 3.